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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/712,600	11/14/2000	Victor T. Chen	044407:0684	3680

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EXAMINER

OROPEZA, FRANCES P

ART UNIT PAPER NUMBER

3762

DATE MAILED: 10/19/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Application No.

09/712,600

Applicant(s)

CHEN ET AL.

Examiner

Frances P. Oropeza

Art Unit

3762

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 07 September 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☒ The period for reply expires 4 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
(a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ they raise the issue of new matter (see Note below);
(c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____

Claim(s) objected to: _____

Claim(s) rejected: 1,3-21,30,31,33-52 and 62.Claim(s) withdrawn from consideration: 22-29,53-59 and 63-77.

8. ☐ The drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____.
10. ☐ Other: _____

Angel. D. Sykes

Frances P. Oropeza
Art Unit 3762 10/13/04

ANGELA D. SYKES

Continuation of 5. does NOT place the application in condition for allowance because:

The Applicant's argument filed 9/7/04 have been fully considered, but they are not convincing.

The Applicant asserts recently submitted independent claims 66 and 71 are linking claims and should have been examined. The Applicant asserts the dependent claims of claims 66 and 71 show that claims 66 and 71 are generic to the previously identified claim groupings. The Examiner disagrees. Claims 66 and 71 are deemed not to be linking claims as neither claim "links together the inventions otherwise divisible" (MPEP 809.03), the divisible inventions being Groups I-VI in Paper No. 4. In fact, independent claims 66 and 71 contain a limitation not found in the previously elected independent claims (1, 14, 30, 44 and 62) - specifically "providing an indication"/ "means for providing an indication".

The Applicant asserts Gillberg et al. (US 5755736) do not make a distinction between types of regular rapid supraventricular tachycardia having regular rapid supraventricular heart rates. The Examiner disagrees. Gillberg et al. make a distinction between two type of regular rapid supraventricula tachycardia having regular rapid supraventricular heart rates, the two tachycardia rates being a fast ventricular tachycardia and a slow ventricular tachycardia (col 14 @ 42-44), the comparison of the two tachycardia rates accomplished as shown in the flow chart of figure 11 (col. 18 @ 26-49) where tachycardia and fibrillation as used to show how difference heart rates are compared.

The Applicant asserts Gillberg et al. (US 5755736) do not teach different therapies for different supraventricular tachycardias having regular rapid superventricular heart rates. The Examiner disagrees. Gillberg et al. teach different therapies for different supraventricular tachycardias having regular rapid supraventricular heart rates by adjusting the therapy based on the heart rate (col. 14 @ 42-44; col. 8 @ 51-61).

The Applicant requests the Examiner to cite portions of the Ayers et al. reference that teach distinguishing between the first atrial flutter at a first high rate and a second atrial flutter at a second lower rate. The citation in the rejection of record (col. 6 @ 55-65) teaches two such pair: a) being the first atrial flutter and b) being the second atrial flutter, OR b) being the first atrial flutter and c) being the second atrial flutter.

The rejection stands based on the rejection of record and the discussion above.

JPO
10/13/04